

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

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|---------------------------------|---|------------------------|
| UNITED STATES OF AMERICA | § | |
| | § | |
| v. | § | NO. 1:07-CR-195 |
| | § | |
| LARRY WAYNE DUNCAN | § | |

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE
RE MOTION TO SUPPRESS EVIDENCE**

This case is assigned to Hon. Thad Heartfield, Chief Judge. Defendant's motions to suppress were referred to the undersigned for report and recommendation. On February 19, 2008, the court was informed by counsel that defendant and the government contemplate entering into a plea agreement.

I. Recommendation

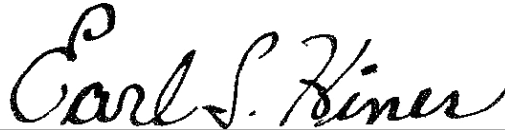
Defendant's "Motion for Suppression of Evidence" (Docket No. 14) and "Supplemental Motion for Suppression of Evidence" (Docket No. 24) should be denied as moot.

II. Objections

Objections must be: (1) specific, (2) in writing, and (3) served and filed within ten days after being served with a copy of this report. See 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 1(a), 6(b), and 72(b).

A party's failure to object bars that party from: (1) entitlement to *de novo* review by a district judge of proposed findings and recommendations, see Rodriguez v. Bowen, 857 F.2d 275, 276-77 (5th Cir. 1988), and (2) appellate review, except on grounds of plain error, of unobjected-to factual findings and legal conclusions accepted by the district court. See Douglas v. United Servs. Auto. Ass'n., 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).

SIGNED this 29 day of February, 2008.

A handwritten signature in black ink, reading "Earl S. Hines". The signature is written in a cursive style with a large initial "E".

Earl S. Hines
United States Magistrate Judge